

Ordinance No. 973

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE, MARYLAND PURSUANT TO THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND AND CITY CHARTER SECTIONS 34 AND 73 AUTHORIZING THE MAYOR TO EXECUTE A DEED FOR THE CITY TO ACQUIRE TWO PARCELS OF LAND WHICH WILL BE USED FOR A PUBLIC OR MUNICIPAL PURPOSE AS A MUSEUM OR PARK.

WHEREAS, City Charter Section 73 allows the Mayor and City Council to acquire real property for a public purpose by authorizing the Mayor to execute such documents as are necessary to acquire real property for a public or municipal purpose;

WHEREAS, the owner of two contiguous parcels of land known as 710 Market Street and 319 Lafayette Street seeks to donate both parcels to the City for public use as a museum or park to showcase and preserve Havre de Grace history;

WHEREAS, the terms of the public use requirements and other essential terms for the transfer of the two parcels from the owner, G. Barry Burns, to the Mayor and City Council appear within the Deed of Transfer, a copy of which is attached hereto as exhibit A.

NOW THEREFORE, be it determined, decided and ordained, by the Mayor and City Council that:

1. The City shall accept the donation of 710 Market Street and 319 Lafayette Street from G. Barry Burns for use as a public museum or park primarily to commemorate and showcase the heyday of duck hunting on the Susquehanna Flats (in the Upper Chesapeake Bay) in the late 1800's and early 1900's and secondarily for commemorating and preserving prior historic events involving the City of Havre de Grace.
2. The Mayor is authorized to execute the Deed of Transfer, as appears attached hereto as exhibit A confirming the City's acquisition of the two parcels and the public use of the property, and the Deed of Transfer is further authorized to be recorded in the Land Records of Harford County and the Mayor is further authorized to execute such additional documents as are necessary to complete the transfer and/or to confirm the donation of the real property to the City of Havre de Grace.

ATTEST:

MAYOR AND CITY COUNCIL OF  
HAVRE DE GRACE, MARYLAND

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Patrick D. Sypolt,  
Director of Administration

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William T. Martin, Mayor

First Reading:	October 5, 2015
Public Hearing:	October 19, 2015
Second Reading/Adoption:	October 19, 2015

No Consideration  
No Transfer Taxes Payable  
No Documentary Stamps Required  
Property No. 1 Address: 710 Market Street, Havre de Grace, MD 21078  
Property No. 1 Tax Account No.: 06-012469  
Property No. 2 Address: 319 Lafayette Street, Havre de Grace, MD 21078  
Property No. 2 Tax Account No.: 06-021700

**THIS DEED**, made as of the 19th day of October, 2015, by and between **G. Barry Burns**, party of the first part (hereinafter sometimes referred to as "Grantor"), and **The Mayor and City Council of Havre de Grace, Maryland**, a body corporate and politic, party of the second part (hereinafter sometimes referred to as "Grantee").

**WITNESSETH**, that for no consideration, Grantor **G. Barry Burns** does hereby grant and convey unto Grantee **The Mayor and City Council of Havre de Grace, Maryland**, its successors and assigns, in fee simple, but reserving unto Grantor a life estate, all those two Properties (collectively the "Properties") situate, lying, and being in the City of Havre de Grace, in the Sixth Election District of Harford County, State of Maryland, and being more particularly described as follows:

**PROPERTY NO. 1:**

BEGINNING for the same at the corner formed by the intersection of the north side of Lafayette Street with the west side of Market Street; and running thence north binding on the west side of Market Street 120 feet; thence west parallel with Lafayette Street 200 feet to the east side of Strawberry Alley; thence south binding on the east side of said Alley 60 feet; thence east parallel with Lafayette Street 100 feet; thence south parallel with Market Street 60 feet to the north side of Lafayette Street; thence east binding on the north side of Lafayette Street 100 feet to the place of beginning. BEING all of Lot No. 437 and the east half of Lot No. 447 in Square No. 271 as shown on Hopper's Map of said City of Havre de Grace. The premises thereon being known as 710 Market Street (Harford County Tax Account No. 06-012469).

BEING the same and all the land which was conveyed to Grantor from the Estate of Hannah Hipple Burns, by a deed dated January 12, 2010, and recorded among the Land Records of Harford County in Liber JJR No. 8534, folio 424.

PROPERTY NO.2:

**Parcel No. 1:** Beginning for the same at the corner formed by the intersection of the north side of Lafayette Street with the east side of Strawberry Alley; and running thence east bounding on the north side of Lafayette Street 50 feet; thence north parallel with Strawberry Alley 60 feet; thence west parallel with Lafayette Street 50 feet to the east side of Strawberry Alley; thence south bounding on the east side of said Alley 60 feet to the place of beginning. Being a part of Lot No. 447, in Square No. 271, as shown on Hopper's Map of said City of Havre de Grace.

**Parcel No. 2:** Beginning for the same at a point on the north side of Lafayette Street distant 50 feet east from the corner formed by the intersection of the north side of Lafayette Street with the east side of Strawberry Alley; and running thence east binding on the north side of Lafayette Street 50 feet; thence north parallel with Strawberry Alley 60 feet; thence west parallel with Lafayette Street 50 feet; thence south parallel with Strawberry Alley 60 feet to the place of beginning. Being a part of Lot No. 447, in Square No. 271, as shown on Hopper's Map of said City of Havre de Grace.

The aforesaid two parcels and the premises thereon being known as 319 Lafayette Street, Havre de Grace (Harford County Tax Account No. 06-021700).

BEING the same and all the land which was conveyed to Grantor from Donna L. Barker, Personal Representative of the Estate of Hope Hipple, by a deed dated October 18, 2012, and recorded among said Land Records in Liber JJR No. 9936, folio 227.

**TOGETHER** with the buildings thereon and all rights, alleys, ways, waters, privileges, appurtenances, and advantages thereunto belonging, or in anywise appertaining.

**ALSO TOGETHER** with all furniture in the 710 Market Street home and in the 319 Lafayette Street home but excluding any china, silverware, or other items located in the homes.

**TO HAVE AND TO HOLD** said Properties and premises, above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances, and advantages thereunto belonging or appertaining, unto and to the proper use and benefit of The Mayor and City Council of Havre de Grace, Maryland, its

successors and assigns, in fee simple, but reserving unto Grantor a life estate in the Properties for his own life without liability for waste, including the rights to use and occupy the Properties during his lifetime, and to take, receive, and collect the rents, income, issues, and profits thereof and to apply the same to his own use and benefit.

**Grantee covenants** and agrees with Grantor as follows:

1. Grantee will, following Grantor's death and the termination of the life estate reserved in the foregoing Deed, maintain and preserve the aforesaid Properties in a good and clean condition.

2. Grantee will hold, preserve, and/or use the Properties primarily as a Museum or park to commemorate and showcase the heyday of duck hunting on the Susquehanna Flats (in the Upper Chesapeake Bay) in the late 1800's and early 1900's. Grantee may also use the Properties for the secondary purpose of commemorating and preserving prior historic events involving the City of Havre de Grace.

3. Grantee will not sell, subdivide, or otherwise develop the Properties. Grantor may, however, lease or otherwise contract with a nonprofit entity (including without limitation Community Projects of Havre de Grace, Inc. and/or a foundation being formed to be known as the Historic Havre de Grace Foundation) for one or more of these nonprofit entities to operate, maintain, and otherwise deal with the Properties in the manner required by these covenants.

4. Grantee will after Grantor's death keep the Properties insured by a policy of insurance providing broad form fire and casualty protection, as well as a policy of general public liability insurance. The fire insurance policy shall be in an amount not less than the then fair market value of the improvements to the Properties, and the liability policy shall be for the standard limit then procured by the City.

5. All of the foregoing covenants and restrictions shall run with the land and shall also be subject to specific enforcement by an order of the Circuit Court for Harford County. All parties hereto consent to jurisdiction and venue in the Circuit Court for Harford County of any matter or action arising out of or in connection with this Deed and waive any right to a trial by jury.

6. Grantee has, prior to the execution of this Deed, passed a Resolution or Ordinance whereby the Mayor and City Council of Havre de Grace, Maryland authorized the Mayor to execute this Deed on its behalf. A copy of the Resolution or Ordinance is attached to this Deed as Exhibit A.

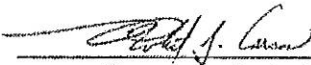
AND Grantor covenants to warrant specially the aforesaid Properties and to execute such further assurances of this Deed as may be requisite.

**Certification by Grantor**

Grantor hereby certifies, subject to the penalties of perjury, that Grantor is a resident of the State of Maryland and that the Total Payment as described in COMAR 03.04.12.02.B(11) is ZERO DOLLARS (\$0.00).

IN WITNESS WHEREOF, Grantor and Grantee have executed this Deed under seal as of the day and year first above written.

WITNESS:

  
\_\_\_\_\_  
ROBERT J. CARSON

 (SEAL)  
G. Barry Burns

ATTEST:

THE MAYOR AND CITY OF  
HAVRE DE GRACE, MARYLAND

\_\_\_\_\_  
Patrick D. Sypolt, Director of Administration

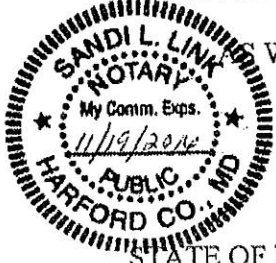
By: \_\_\_\_\_ (SEAL)  
William T. Martin, Mayor

STATE OF MARYLAND

COUNTY OF HARFORD, SS:

I HEREBY CERTIFY that on this 5<sup>th</sup> day of October, 2015, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared Grantor G.

Barry Burns, personally known (or satisfactorily proven) to be such person, who upon being duly sworn stated under oath that he executed the foregoing Deed for the purposes therein contained and who signed and sealed the same in my presence.



WITNESS my Hand and Notarial Seal.

Sandi L. Link  
Notary Public

My Commission Expires: 11/19/2016

STATE OF MARYLAND

COUNTY OF HARFORD, SS:

I HEREBY CERTIFY that on this \_\_\_\_ day of October, 2015, before me, the subscriber, a Notary Public of the State of Maryland, personally appeared William T. Martin, Mayor of the City of Havre de Grace, personally known (or satisfactorily proven) to be such person, who upon being duly sworn stated under oath that he executed the foregoing Deed in such capacity for the purposes therein contained and who signed and sealed the same in such capacity in my presence.

AS WITNESS my Hand and Notarial Seal.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**Attorney Certification**

The undersigned, an attorney licensed to practice law in the State of Maryland, hereby certifies that the foregoing Deed was prepared by him.

Robert J. Carson  
Robert J. Carson

AFTER RECORDATION,  
RETURN TO:

Robert J. Carson, Esq.  
Robert J. Carson, P.A.  
345 Green Street  
Havre de Grace, Maryland 21078  
(410) 939-0050

Burns/Deed life estate to HdG-2